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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,241	12/11/2001	Vasanth Philomin	US010543	3077
24737	7590	10/19/2004	EXAMINER HESSELTINE, RYAN J	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			ART UNIT 2623	PAPER NUMBER H

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,241

Applicant(s)

PHILOMIN ET AL.

Examiner

Ryan J Hesseltine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 7, 9-14, 16, 17 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Merjanian (USPN 5,920,642, cited on applicant's IDS).

3. Regarding claim 1, Merjanian discloses a method for controlling access to a television set using a remote control unit having a finger verification device, the method comprising the steps of: (a) placing at least one finger on said remote control unit 100 for scanning; (b) obtaining fingerprint data indicative of said scanned finger (column 7, line 44-54; column 11, line 30-38); (c) comparing the fingerprint data to predetermined reference data to establish a finger match (column 8, line 66-column 9, line 18; column 11, line 38-46); and, (d) if a match is established, providing a number of channels associated with said scanned finger (column 11, line 41-65).

4. Regarding claim 9, Merjanian discloses a method for controlling the access to a television set using a remote control unit having a finger verification device, the method comprising the steps of: (a) prompting said user to place at least one finger on said remote control unit for scanning (column 11, line 17-30); (b) recognizing said scanned finger and storing a number of channels (e.g. pre-stored settings such as favorite channels; column 11, line 47-65) associated with the at least one finger to generate (previously stored) finger reference data (column 9, line 11-18; column 10, line 59-column 11, line 16); (c) placing at least one finger on the finger

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verification device of said remote control unit to generate fingerprint data (column 7, line 44-54; column 11, line 30-38); (d) comparing the fingerprint data to said finger reference data to establish a fingerprint match (column 8, line 66-column 9, line 18; column 11, line 38-46); and, (e) if a match is established, providing the number of said channels associated with said placed finger (column 11, line 41-65).

5. Regarding claims 2 and 12, Merjanian discloses that if a match is not established, denying access to said television set (column 11, line 47-53).

6. Regarding claims 3 and 13, Merjanian discloses allowing the display of one of the channels associated with said scanned finger upon receiving a request to view said one channel (column 11, line 34-46).

7. Regarding claims 4 and 14, Merjanian discloses transmitting the fingerprint data to said television set (remote receiving unit) and performing steps (c) and (d) (column 7, line 44-54; column 8, line 66-column 9, line 18). Note that Merjanian discloses that the remote receiving unit may be any device not physically connected to the fingerprint reader that is equipped with an infrared or radio frequency receiver, which implicitly includes a television set (column 12, line 46-56).

8. Regarding claims 6 and 16, Merjanian discloses transmitting the fingerprint data to said set-top box coupled to said television set and performing steps (c) and (d) (column 7, line 44-54; column 8, line 66-column 9, line 18).

9. Regarding claims 7 and 17, Merjanian discloses that the predetermined reference (comparison) data used in said comparing step is stored in a set-top box coupled to said television set (column 11, line 38-41).

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10. Regarding claim 10, Merjanian discloses providing an indication as to whether or not the finger match is established (column 11, line 31-38).

11. Regarding claim 11, Merjanian discloses repeating steps (c)-(e) if a match is not established (column 9, line 39-63).

12. Regarding claim 19, Merjanian discloses a remote control device for verifying a user's finger identity in order to selectively change the channel displayed on a television set, comprising: a fingerprint reader 30 for generating fingerprint data (column 7, line 44-54; column 11, line 30-38); a processor programmed to prompt said user to enter fingerprint data (column 11, line 17-30); and, a fingerprint recognition means for verifying that said user is an authorized user of said remote control device (column 8, line 66-column 9, line 18; column 11, line 38-46).

13. Regarding claim 21, Merjanian discloses a remote control device for verifying a user's fingerprint identity in order to change selectively the channel displayed on a television set, comprising: an input means for prompting said user to place at least one finger on said remote control device for scanning (column 11, line 17-30); a processor; and, a fingerprint recognition means controlled by said processor for verifying that said user is an authorized user of said remote control device based upon an indication that said scanned finger data matches predetermined fingerprint reference data (column 8, line 66-column 9, line 18; column 11, line 38-46).

14. Regarding claims 20 and 22, Merjanian discloses that said fingerprint recognition means is located at said television set (matching performed at the set-top box or other receiving device; column 9, line 11-18; column 12, line 46-56).

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15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merjanian as applied to claims 1 and 9 above.

17. Regarding claims 5 and 15, Merjanian discloses that the predetermined reference data used in said comparing step is stored in a storage device within the set-top box (column 11, line 38-41) and additionally discloses that processing the fingerprint data and verification or authentication by matching to previously stored data should be performed at the set-top box or other receiving device (column 9, line 11-18), but does not explicitly disclose that the predetermined reference data used in said comparing step is stored in said television set. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the predetermined reference data in said television set instead of the set-top box as taught by Merjanian in order to process the fingerprint data for verification or authentication by matching to allow a user access to the television set (column 9, line 11-18).

18. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merjanian as applied to claims 1 and 9 above, and further in view of Park (USPN 5,990,803, newly cited).

19. Regarding claims 8 and 18, Merjanian does not disclose that the predetermined reference data used in said comparing step is stored in said remote control unit. Park discloses a

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multifunctional remote controller and control method for multiple appliances wherein a fingerprint recognizer 120 includes a pattern identifying chip and a ROM for storing the fingerprint pattern (column 2, line 24-29; column 3, line 1-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the predetermined reference data in said remote control unit as taught by Park in order to determine the right of a user to use multiple appliances by determining whether the input fingerprint pattern is identical with the initially input fingerprint pattern stored in memory within the remote controller (column 3, line 1-7).

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- USPN 5,801,681 to Sayag discloses a method and apparatus for generating a control signal including a television remote control having fingerprint capture capabilities.
- USPN 6,144,756 to Takahashi et al. discloses a finger verification system provided on a remote control including a storage device.
- USPN 6,256,019 to Allport discloses methods of using a controller for controlling multi-user access to the functionality of consumer devices including fingerprint identification and a database of known users stored within the controller.
- USPN 6,438,752 to McClard discloses a method and system for selecting television programs based on the past selection history of an identified user including a viewer identifier such as a fingerprint recognizer.

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- USPN 6,636,144 to Hirakawa discloses a data transmission method and apparatus having a fingerprint reader comprising a remote controller.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan J Hesseltine whose telephone number is 703-306-4069.

The examiner can normally be reached on Monday - Friday, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan J. Hesseltine
October 7, 2004


JINGGE WU
PRIMARY EXAMINER